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PATENT: 06105 USA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

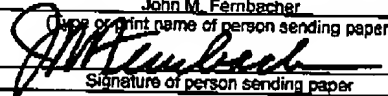
IN RE APPLI-
CATION OF : D. C. Phelps et al

SERIAL NO. : 09/932,545 ✓ : GRP. ART UNIT: 2123

FILED : August 17, 2001 : EXAMINER: Unknown

FOR : Multiple Process Plant Product Lines From a Common Set of
Engineered Components

Assistant Commissioner for Patents
Washington, D.C. 20231

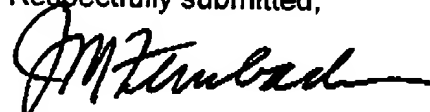
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John M. Fernbacher	
Type or print name of person sending paper	
	
Signature of person sending paper	

Sir:

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
WITHIN THREE MONTHS OF FILING OR
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. 1.97(b))

The Information Disclosure Statement submitted herewith is being filed within three months of the filing date of the Application or date of entry into the national stage of an international application or before the mailing date of a first Office Action on the merits, whichever event occurs last. 37 C.F.R. 1.97(b)

Respectfully submitted,



John M. Fernbacher
Agent for Applicants
Registration No. 32,895

7201 Hamilton Boulevard
Allentown, PA 18195-1501
(610) 481-6560

Practitioner's Docket No. 06105 USA**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent application

of _____
Inventor(s)for _____
Title of invention

the specification of which is being transmitted herewith

OR

In re application of: D. C. Phelps et al.

Application No.: 09/932,545 Group No.: 2123

Filed: August 17, 2001 Examiner: Unknown

For: Multiple Process Plant Product Lines from a Common
Set of Engineered ComponentsAssistant Commissioner for Patents
Washington, D.C. 20231**INFORMATION DISCLOSURE STATEMENT****CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10***(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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(Information Disclosure Statement [8-1]—page 1 of 5)

NOTE: "An information disclosure statement shall be considered by the Office if filed by the applicant within any one of the following time periods:

(1) Within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d);

(2) Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application;

(3) Before the mailing date of a first Office action on the merits; or

(4) Before the mailing date of a first Office action after the filing of a request for continued examination under § 1.114."

37 C.F.R. § 1.97(b).

NOTE: "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section." 37 C.F.R. § 1.56(a).

"Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) each inventor named in the application;

(2) each attorney or agent who prepares or prosecutes the application; and

(3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application." 37 C.F.R. § 1.56(c).

NOTE: The "duty as described in § 1.56 will be met so long as the information in question was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98 before issuance of the patent." Notice of January 9, 1992, 1135 O.G. 13 -25 at 17.

WARNING: "No information disclosure statement may be filed in a provisional application." 37 C.F.R. § 1.51(d).

List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:

(check sections forming a part of this statement; discard unused sections and number pages consecutively)

1. ☒ Preliminary Statements
2. ☐ FORMS PTO/SB/08A and 08B (formerly FORM PTO-1449)
3. ☒ Statement as to Information Not Found in Patents or Publications
4. ☐ Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted
5. ☐ Cumulative Patents or Publications
6. ☐ Copies of Listed Information Items Accompanying This Statement
7. ☐ Concise Explanation of Non-English Language Listed Information Items
 - 7A. ☐ EPO Search Report
 - 7B. ☐ English Language Version of EPO Search Report
8. ☐ Translation(s) of Non-English Language Documents
9. ☐ Concise Explanation of English Language Listed Information Items (Optional)
10. ☒ Identification of Person(s) Making This Information Disclosure Statement

(complete the following, if appropriate)

Sections

, respectively, have been continued on ADDED PAGE(S).

NOTE: "Once the minimum requirements are met, the examiner has an obligation to consider the information." Notice of April 20, 1992 (1138 O.G. 37-41, 37).

(Information Disclosure Statement [6-1]—page 2 of 5)

Section 1. Preliminary statements

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this Information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. § 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this Information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

(Information Disclosure Statement — Section 1, Preliminary Statements [6-1] — page 3 of 5)

Section 3. Statement as to Information Not Found in Patents or Publications (Information Not Listed in Form PTO/SB/08A and O B (formerly Form PTO-1449))

Employees of the assignee of this application designed engineered components for use in process plants for cryogenic air separation. Certain of the component designs were reused for process plants within the same product line for which the component was originally designed. That is, certain component designs were reused for process plants that differed in flow capacity, but had an essentially similar design as the process plant for which the component was originally designed. Since approximately March 1996, such product lines were offered for sale commercially.

(Information Disclosure Statement — Section 3. Statement as to Information Material to Examination Not Found In Patents or Publications [6-1]—page 4 of 5)

Section 10. Identification of Person(s) Making This Information Disclosure Statement

The person making this statement is

(check each applicable item)

- (a) ☐ the inventor(s) who signs below

SIGNATURE OF INVENTOR

(type name of inventor who is signing)

- (b) ☐ an individual associated with the filing and prosecution of this application (37 C.F.R. § 1.56(c))

SIGNATURE OF INVENTOR

(type name of inventor who is signing)

- (c) ☒ the practitioner who signs below on the basis of the information:

(check each applicable item)

- ☒ supplied by the inventor(s).
☐ supplied by an individual associated with the filing and prosecution of this application. (37 C.F.R. § 1.56(c))
☐ in the practitioner's file.

Reg. No.: 32,895

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23543

Air Products and Chemicals, Inc.

SIGNATURE OF PRACTITIONER

John M. Fernbacher

(type or print name of practitioner)

7201 Hamilton Boulevard

P.O. Address

Allentown, PA 18195-1501

(Information Disclosure Statement—Section 10. Identification of Person(s) Making This Information Disclosure Statement [6-1]—page 5 of 5)

PATENT: 08105 USA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLI-
CATION OF : D. C. Phelps et al

SERIAL NO. : 09/832,545 : GRP. ART UNIT: 2123

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merits, whichever event occurs last. 37 C.F.R. 1.97(b)

Respectfully submitted,

John M. Fernbacher
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INFORMATION DISCLOSURE STATEMENT

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Date: Dec. 5, 2001	<i>John M. Fernbacher</i> Signature John M. Fernbacher (Type or print name of person certifying) (Information Disclosure Statement (B-1)—page 1 of 5)

NOTE: "Once the minimum requirements are met, the examiner has an obligation to consider the information."
Notice of April 20, 1992 (1139 O.G. 37-41, 37).

(Information Disclosure Statement (B-1)—page 2 of 5)